

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ANGEL MARIE EVANS, INDIVIDUALLY §
AND AS NEXT FRIEND TO TAYLOR §
LYNN YATES, A MINOR, AND SPOUSE, §
TAMARA EVANS §
§
V. §
§
ANDERSON ANDERSON, ALSO KNOWN §
AS ANDREW ANDERSON §

CIVIL ACTION NO. 5:21-cv-0400
(Jury Trial Demanded)

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS:

DEFENDANT, ANDREW ANDERSON, files this, his Notice of Removal of a state-court action, pursuant to 28 U.S.C. §§1441(a), 1446(a), and would respectfully show the Court the following:

I. INTRODUCTION

1. Plaintiffs Angel Marie Evans, Individually and As Next Friend to Taylor Lynn Yates, a Minor, and Spouse, Tamara Evans (“Plaintiffs”) filed their Original Petition to commence this civil action in the 150th Judicial District Court of Bexar County, Texas styled *Angel Marie Evans, Individually and As Next Friend to Taylor Lynn Yates, a Minor, and Spouse, Tamara Evans*, Cause No. 2021-CI-04453, on March 10, 2021.
2. Defendant Andrew Anderson was served with Plaintiffs’ Original Petition on or about April 1, 2021. Defendant Andrew Anderson timely files this notice of removal within the 30-day time period required by and pursuant to 28 U.S.C. §1446(b)(1).

II. BASIS FOR REMOVAL

3. Removal is proper because there is complete diversity between the parties, as detailed herein, and the amount in controversy exceeds \$75,000.00.

4. At the time the state-court action was commenced and as of the date of this notice, Defendant ANDREW ANDERSON was and is a citizen of the State of North Dakota.

5. The Plaintiffs, Angel Marie Evans, Individually and As Next Friend to Taylor Lynn Yates, a Minor, and Spouse, Tamara Evans, are citizens of the State of Texas.

6. Plaintiffs allege that as a direct and proximate result of Defendant's actions, they now seek to recover damages relating to:

- a. Past and future medical expenses;
- b. Past and future physical pain and mental anguish;
- c. Past and future physical impairment;
- d. Past and future disfigurement;
- e. Past and future loss of household services;
- f. Past and future loss of earning capacity;
- g. Past and future loss of consortium; and
- h. Property damages to include loss of use of vehicle incurred since time of collision until declared a total loss, towing expenses, any storage expense, and any deductible required to be paid.

7. In Texas, all original pleadings that set forth a claim for relief must contain a specific statement of the relief the party seeks, pursuant to Texas Rules of Civil Procedure 47(c). In Plaintiffs' Original Petition, Plaintiffs assert damages between \$200,000.00 but not more than \$1,000,000.00, and for all other relief to which Plaintiffs are justly entitled. It is therefore facially

apparent from Plaintiffs' initial pleadings that they are demanding monetary relief in an amount that exceeds the minimum jurisdictional amount of \$75,000.00. 28 U.S.C. §§1332(a); 1446(c)(2).

8. There are no other defendants in this case that would require consent to removal. 28 U.S.C. §1446(b)(2)(A).

9. A copy of all process, pleadings, and orders served upon Defendant in the state-court action are attached hereto as "Exhibit A," as required by 28 U.S.C. §1446(a) and Local Rule 81.

10. Venue is proper in this district court because this district and division encompass the place in which the state-court action is pending.

III. JURY DEMAND

11. Defendant, ANDREW ANDERSON, hereby demands a trial by jury and tenders any necessary fee.

PRAYER

WHEREFORE, Defendant ANDREW ANDERSON respectfully requests that this action proceed in this District Court as an action properly removed to it, and for such other and further relief to which he may be justly entitled.

Respectfully submitted,

LUCERO | WOLLAM, P.L.L.C.

/s/ Erik R. Wollam _____
ERIK R. WOLLAM
Federal ID: 17663
TBN: 00788705
159 Flat Rock
Wimberley, Texas 78676
Telephone: (512) 485-3500
Facsimile: (512) 485-3501
Email: ewollam@lucerowollam.com

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 21st of April, 2021, a true and correct copy of the foregoing was sent or delivered to all parties through counsel of record pursuant to Rule 21a TRCP.

Via E-File:

Stephen L. Schaefer
Stephen L. Schaefer, P.C.
410 Main Street (physical)
P.O. Box 2676 (mailing)
Bandera, Texas 78003-2676
Email: slspc@att.net

/s/ Erik R. Wollam

ERIK R. WOLLAM